

Surface Transportation Board, DOT

§ 1001.1

Notice is hereby given that those portions of the printed reports of decisions of the Interstate Commerce Commission which contain statements of general policy or interpretations of general applicability are digested, arranged topically, and indexed both in the multivolume set "Interstate Commerce Acts Annotated" (supplemented monthly by the "Advance Bulletin of Interstate Commerce Acts Annotated") and in the index-digests in the backs of bound volumes of Interstate Commerce Commission reports. The multivolume set, "Interstate Commerce Acts Annotated" and the three series of Interstate Commerce Commission reports (i.e., I.C.C., M.C.C. and Val. Rep.) are published and sold by the Government Printing Office, and are sent free to Depository Libraries (44 U.S.C. 82), which include all State libraries, two libraries in each congressional district, the libraries of land grant colleges, and other libraries. Copies are also available for public examination in the Interstate Commerce Commission Library in Washington, DC. The indexes in these publications are maintained in compliance with the provision in 5 United States Code 552(a)(2). The "Advance Bulletin of Interstate Commerce Acts Annotated" and recent reports, which have not yet been included in published indexes, are available upon request from the Office of the Secretary, Interstate Commerce Commission.

(b) Because of the large volume of reports, it is the policy of the Commission to print for publication in bound volumes only reports of those cases decided by the entire Commission or by a division thereof and more significant reports of employee boards. With few exceptions, reports and orders of employee boards are duplicated ("no print reports and orders") and distributed to the parties and made available to the press. From time to time "no print reports and orders" are cited as precedents in other cases. Therefore, notice is hereby given that duplicated "no print reports and orders", are indexed by docket number and title, and filed by subject matter and are available for public inspection in the Section of Reference Services of the Commission in Washington, DC. These indexes and

files are maintained in compliance with the provision in 5 United States Code 552(a)(2). Persons outside Washington, DC, can obtain information about, or copies of, such duplicated reports by writing to the Secretary of the Commission.

PART 1001—INSPECTION OF RECORDS

Sec.

- 1001.1 Records available at the Commission's Washington office.
- 1001.2 Records available at the Commission's regional and detached offices.
- 1001.3 Records available at the Federal Maritime Commission.
- 1001.4 Certified copies of records, etc.
- 1001.5 Requests to inspect other records not considered public under 5 U.S.C. 552.
- 1001.6 Predisclosure notification procedures for confidential commercial information.

AUTHORITY: 5 U.S.C. 552 and 49 U.S.C. 10301 and 10321.

§ 1001.1 Records available at the Commission's Washington office.

The following specific files and records in the custody of the Secretary are available to the public under 49 U.S.C 10303 and may be inspected at the Commission's Washington office upon reasonable request during business hours between 8:30 a.m. and 5:00 p.m., Monday through Friday.

(a) Copies of tariffs (*except those specified in § 1001.3*), rate schedules, quotations or tenders under 49 U.S.C. 10721(b)(2); classifications, powers of attorney, concurrences, and contracts filed with the Commission pursuant to 49 U.S.C. 10762, 10764, 10765, 10766, 10721.

(b) Annual and other periodic reports filed with the Commission pursuant to 49 U.S.C. 11145.

(c) Annual and other periodic reports, maps, profiles, and other data filed with the Commission pursuant to 49 U.S.C. 10783.

(d) All docket files, including pleadings, depositions, exhibits, transcripts of testimony, recommended and proposed reports, exceptions, briefs, and reports and decisions of the Commission in any proceeding and carrier operating authorities granted in such proceedings. This does not apply to matters arising under 49 U.S.C 10928,

§ 1001.2

Temporary Authority for Motor and Water Carriers, which are filed in a Regional Office until a petition for reconsideration is ripe for decision.

(e) File and index of instruments or documents recorded pursuant to 49 U.S.C 11303.

(f) ICC Manual—Administration.

(5 U.S.C. 553; 49 U.S.C. 10301, 10303)

[46 FR 54948, Nov. 5, 1981, as amended at 57 FR 24381, June 9, 1992]

§ 1001.2 Records available at the Commission's regional and detached offices.

Copies of certain rate schedules, tariffs, reports and operating authorities filed by and applicable to motor and water carriers and household goods freight forwarders, and docket files in matters arising under 49 U.S.C. 10928 are available for inspection at field offices whose locations are set forth in the appendix in this part. These records are available upon reasonable request during its regular business hours, Monday through Friday. Records not available at the field offices may be obtained and inspected in accordance with the provisions of § 1001.1.

[45 FR 3583, Jan. 18, 1980, as amended at 51 FR 44297, Dec. 9, 1986]

§ 1001.3 Records available at the Federal Maritime Commission.

Copies of international joint ocean-motor through-rate tariffs filed with the Commission will not be retained past the expiration of the notice period. These tariffs are also filed with the Federal Maritime Commission (FMC) and are available to the public at the FMC's Washington, DC office for inspection, in either paper or microfiche form, during its regular business hours.

[57 FR 24381, June 9, 1992]

§ 1001.4 Certified copies of records, etc.

Copies of and extracts from public records will be certified by the Secretary, under the seal of the Commission. Persons requesting the Commission to prepare such copies should clearly state the material to be copied, and whether it shall be certified.

49 CFR Ch. X (10–1–96 Edition)

Charges will be made for certification and for the preparation of copies as provided in part 1002 of this chapter.

[32 FR 20008, Dec. 20, 1967. Redesignated at 57 FR 24381, June 9, 1992]

§ 1001.5 Requests to inspect other records not considered public under 5 U.S.C. 552.

Requests to inspect records other than those now deemed to be of a public nature shall be in writing and addressed to the Freedom of Information Officer. The Freedom of Information Officer shall determine within 10 days of receipt of a request (excepting Saturdays, Sundays, and legal public holidays) whether a requested record will be made available. If the Freedom of Information Officer determines that a request cannot be honored, he must inform the requesting party in writing of this decision and such letter shall contain a detailed explanation of why the requested material cannot be made available and explain to the requesting party his or her right of appeal. If the Freedom of Information Officer rules that such records cannot be made available because they are exempt under the provisions of 5 U.S.C. 552(b), an appeal from such ruling may be addressed to the Chairman. The Chairman's decision shall be administratively final and state the specific exemption(s) contained in 5 U.S.C. 552(b) relied upon for denial. Such an appeal must be filed within 30 days of the date of the Freedom of Information Officer's letter. The Chairman shall act in writing on such appeals within 20 days (excepting Saturdays, Sundays, and legal public holidays) of receipt of any appeal. In unusual circumstances, as set forth in 5 U.S.C. 552(a)(6)(B), the time limit may be extended, by written notice to the person making the particular request, setting forth the reasons for such extension, for no more than 10 working days. If the appeal is denied, the Chairman's order shall notify the requesting party of his or her right to judicial review. Charges shall be made as provided for in § 1002.1(f) of this chapter.

[53 FR 23399, June 22, 1988. Redesignated at 57 FR 24381, June 9, 1992]